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Report of the Secretary-General on the implementation of the decision of the Council in 2019 relating to the reports of the Chair of the Legal and Technical Commission

Implementation of the decision of the Council in 2019 relating to the reports of the Chair of the Legal and Technical Commission

Report of the Secretary-General

I. Introduction

1. The purpose of the present report is to update the Council on the progress made in relation to certain matters raised in its decision of 19 July 2019 relating to the reports of the Chair of the Legal and Technical Commission ([ISBA/25/C/37](#)). The report is an addendum to and needs to be read in conjunction with the report prepared for the meetings of the Council during the first part of the twenty-sixth session in February 2020 ([ISBA/26/C/3](#)).

II. Draft regulations on exploitation of mineral resources in the Area

2. With respect to the draft regulations on exploitation of mineral resources in the Area to which the decision of 19 July 2019 of the Council refers in its first 10 paragraphs, sections A to C below describe how the Council and the Legal and Technical Commission have further advanced discussions on the draft regulations, and associated standards and guidelines.

A. Resumed consideration by the Council

3. During the first part of the twenty-sixth session, the Council continued its informal consideration of the draft regulations on exploitation ([ISBA/25/C/WP.1](#)). The Council also adopted a decision concerning working methods to advance



discussions on the draft regulations (ISBA/26/C/11), including the establishment of three informal working groups to be facilitated by delegates nominated by the regional groups. Following that decision, the African Group nominated Janet Omoleegho Olisa (Nigeria) as facilitator of the informal working group on inspection, compliance and enforcement and the Asia-Pacific Group nominated Raijeli Taga (Fiji) as facilitator of the informal working group on protection and preservation of the marine environment. As of the preparation of the present addendum, the nomination of a facilitator of the informal working group on institutional matters was pending.

4. In accordance with the mandate of the facilitators (ISBA/26/C/11, annex), on the basis of the discussions held during the first part of the twenty-sixth session, Ms. Taga will make available to delegations a document to assist discussions in her informal working group and containing a revised version of parts IV (Protection and preservation of the marine environment) and VI (Closure plans) and annexes IV (Environmental Impact Statement), VII (Environmental Management and Monitoring Plan) and VIII (Closure Plan) of the draft regulations.

B. Consideration by the Legal and Technical Commission of outstanding issues

5. During its meetings in February 2020, the Commission addressed outstanding matters in relation to the draft regulations (see ISBA/26/C/12, paras. 10–17) and, on the basis of a scoping study prepared by the secretariat, made a recommendation to the Council concerning draft regulation 30 (Safety, labour and health standards) and a draft annex VI to the regulations consisting of a health and safety plan and a maritime security plan (ISBA/26/C/17, annex).

6. Also during its meetings in February and July 2020, the Commission, performing the functions of the Economic Planning Commission, considered a report on the potential impact of polymetallic nodule production from the Area on the economies of developing land-based producer States of those metals that were likely to be the most seriously affected.¹ The Commission considered that the study provided a sound preliminary assessment on the economic impacts of polymetallic nodules production from the Area on developing land-based producer States and took note of areas identified for further study and consideration. The Commission's recommendations to the Council in respect of the study are contained in ISBA/26/C/12/Add.1.

C. Progress by the Commission on standards and guidelines

7. The Commission advanced its work on the development of standards and guidelines as described in ISBA/26/C/12 and ISBA/26/C/12/Add.1. At the conclusion of its meetings in July 2020, the Commission decided to issue the text of three draft standards and guidelines for stakeholder consultation: draft guidelines on the preparation and assessment of an application for the approval of a plan of work for exploitation; draft standard and guidelines on the development and application of environmental management systems; and draft standard and guidelines on the form and calculation of an environmental performance guarantee.² The Commission will consider the outcome of the consultation during its next meeting.

8. The Commission also decided to continue working intersessionally, with the assistance of the secretariat, including in the context of the working groups and

¹ Available at <https://isa.org.jm/files/documents/impactstudy.pdf>.

² Available at https://isa.org.jm/files/files/documents/Stakeholderconsultations_final-3.pdf.

technical working groups it has established, with a view to advancing other draft standards and guidelines foreseen to be in place by the time of the adoption of the draft regulations on exploitation (see [ISBA/25/C/19/Add.1](#)) and to also issuing them for stakeholder consultation. This includes the following standards and guidelines: for environmental impact assessments and the preparation of an environmental impact statement; for the preparation of environmental management and monitoring plans; for the safe management of mining operations; on the expected scope and standard of baseline data collection; and for the preparation and implementation of emergency response and contingency plans.

III. Activities of contractors

A. Issues relating to the transparency of contracts

9. At its meetings in July 2018, the Council requested the Secretary-General to explore with contractors the possibility of making contracts for exploration and their associated plans of work for exploration available publicly, taking into account the confidentiality obligations under such contracts, and to report to the Council on the progress made on that matter.³

10. To address that request, the Secretary-General held several consultations with contractors to advance the issue of promoting increased transparency of exploration contracts. At a meeting in October 2018, contractors discussed the idea to draft a summary template that would be made public and that would cover the key elements of each contract, which would not have a confidential nature. At the following annual contractors meeting in Changsha, China, consultations were held to discuss the format for a template for public reporting of the non-standard provisions of contracts for exploration and contractors agreed to voluntarily submit such templates for publication on a rolling basis.⁴

11. As at 14 September 2020, the majority of contractors had submitted completed templates, which will be made available through the website of the Authority in due course.

B. Contractor training programmes

12. In relation to the implementation of training programmes, as referred to in paragraph 17 of the decision of the Council, 18 additional training placements were awarded from January to May 2020. Details are provided in the annex to the present addendum.

IV. Development of regional environmental management plans for the Area, in particular where there are currently exploration contracts

13. In paragraph 19 of its decision, the Council encouraged the secretariat and the Commission to advance the development of environmental management plans, in particular where the Authority has granted exploration contracts.

14. During the first part of the twenty-fifth session, the Council reviewed a report by the Secretary-General on the implementation of the Authority's strategy for the

³ [ISBA/24/C/8](#), para. 16.

⁴ [ISBA/25/C/12](#), paras. 22 to 25.

development of regional environmental management plans for the Area, which included a draft programme of work for the secretariat for the period 2019–2020 (ISBA/25/C/13).

15. The secretariat has continued to implement that programme of work by scheduling several workshops in order to facilitate the development and review of regional environmental management plans. However, the situation caused by the coronavirus (COVID-19) pandemic has impacted the planned schedule of workshops in support of the development of regional environmental management plans as reported in section IV.B of ISBA/26/C/3. In response, the secretariat, in collaboration with the co-organizers of the proposed workshops, will convene a series of virtual workshops to advance discussions on the development of regional environmental management plans.

16. The workshop on the development of a regional environmental management plan for the Area of the Northern Mid-Atlantic Ridge with a focus on polymetallic sulphides deposits, originally scheduled to take place in Saint Petersburg, Russian Federation, in June 2020, will take place virtually from 23 November to 4 December 2020. The nomination process for that workshop has been completed, and work is being undertaken on the selection of participants, as well as technical preparations for the workshop, building on the report of the previous workshop held in Evora, Portugal, in November 2019 and its post-workshop activities.

17. The workshop on the development of a regional environmental management plan in the North-west Pacific, originally scheduled to take place in Jeju, Republic of Korea, in May 2020, will take place from 26 October to 6 November 2020. The nomination process and technical preparations for the workshop are currently under way, including the preparation of a draft report on regional environmental assessment and a compilation of georeferenced information at the regional scale.

18. The Government of India has communicated its plan to host the regional environmental management plans workshop for the Indian Ocean triple junction ridge and nodule bearing province during March 2021 at the National Institute of Ocean Technology, Chennai.

19. In addition, a workshop on deep sea taxonomic standardization was convened virtually on 15 and 16 September and a workshop on marine scientific research in the Area will be convened virtually from 15 to 17 December 2020. The results of these workshops will inform future collaborative efforts on marine scientific research to support environmental management in the Area.

V. Data management strategy of the Authority

20. In paragraph 20 of its decision, the Council welcomed the progress on the implementation of the data management strategy of the Authority, including public access to non-confidential data and the launch of the database in July 2019.

21. In order to further implement the data management strategy of the Authority, the secretariat convened a virtual workshop on the theme “DeepData: focusing on data management strategy” via an online platform from 21 to 25 September 2020.

VI. Status of the Voluntary Trust Fund for the purpose of defraying the cost of participation of members of the Legal and Technical Commission from developing countries and members of the Finance Committee

22. In paragraph 23 of its decision, the Council noted with concern the sharp deficit in the voluntary trust fund for the purpose of defraying the cost of participation of members of the Commission and of the Finance Committee from developing countries in meetings of the Commission and of the Committee. To address that critical situation, the Secretary-General made several appeals for contributions.

23. Thanks to contributions in 2020 from China (\$20,000) and Global Sea Mineral Resources NV (\$6,000), the cumulative balance of the Fund stood at \$25,992 as of September 2020. This would not be sufficient to cover all meetings of the Legal and Technical Commission and of the Finance Committee in 2021.

VII. Recommendations

24. The Council is invited to take note of the present report and to provide guidance as necessary.

Annex

Contractor training programmes, January–May 2020

<i>Contractor</i>	<i>Training type</i>	<i>Number of trainees</i>
Interoceanmetal Joint Organization	Comprehensive multidisciplinary training	2
Nauru Ocean Resources Inc.	Offshore exploration campaign (at sea)	4
Global Sea Mineral Resources NV	Professional training: seminar on dredging technologies	1
Global Sea Mineral Resources NV	Fellowship – Master “EMerald” (2020–2021)	1
Ministry of Earth Sciences, India	At-sea on-board and laboratory training	6
China Minmetals Corporation	At-sea training	1
China Minmetals Corporation	Fellowship	3
Total training placements awarded		18